

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark C. Nicely, et al.
Appl. No.: 10/668,670
Conf. No.: 1055
Filed: September 22, 2003
Title: INTERACTIVE STREAK GAME
Art Unit: 3714
Examiner: Mark Alan Sager
Docket No.: 3718611-03588

Mail Stop OFFICE OF PETITIONS / OPLA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER REGARDING PATENT TERM ADJUSTMENT AT ALLOWANCE
PURSUANT TO COMMENT 43 OF THE FINAL RULE

Dear Sir:

On the basis of good faith and candor, Applicant would like to bring the Office's attention to the Patent Term Adjustment (PTA) calculation included in *Notice of Allowance and Determination of Patent Term Adjustment*, mailed March 24, 2010 for the above-captioned application, which indicated the Total PTA is 600 days. This PTA appears to be overstated. The Applicant (APPL) Delay days of 226 may be understated, which could result in the recalculated Total PTA at issuance being longer than appropriate, and incorrectly printed on the patent face.

Please review these PTA calculations with attention to the *Information Disclosure Statement* received January 22, 2008, following the *Request for Continued Examination (RCE)* filed January 14, 2008.

Applicant believes that no fee is due at this time. Any fees that may be due, however, may be applied to Deposit Account No. 02-1818.

Respectfully submitted,
K&L Gates LLP

BY



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Dated: June 9, 2010